IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 989 of 2007
Date of Decision: 21.1.2009

Kewal Krishan ....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE HEMANT GUPTA

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Shri Inderjeet Sharma, Advocate, for the petitioner.

Shri Amol Rattan Singh, Additional AG, Punjab.

T.S. Thakur, C.J. (Oral).

The only prayer made in this petition filed in public interest is for a writ of mandamus directing the respondents to take disciplinary action against respondent No.5, who is said to be working as a press reporter for certain newspapers in Punjab, even when he is a full time School Teacher in the service of the State Education Deptt. The petitioner has placed on record copies of letter dated 24.10.2007 addressed by the Deputy Chief Election Officer, Punjab to the Secretary, Department of Education, Punjab and letter dated 11.2.2007 addressed by the District Election Officer, Bathinda, to the Director, Public Instruction(s), Punjab, Chandigarh, apart from a representation (Annexure P.6) dated 27.6.2008 addressed by the petitioner to the Secretary, Department of Education, Government of Punjab, and the Director, Public Instruction(s), Punjab, pointing out that respondent No.5 is

working as a press reporter in different newspapers published from Punjab and thereby committing misconduct for which he needs to be proceeded against. The grievance of the petitioner is that despite the representation made to them, as also the letters received by the Secretary, Department of Education, Punjab and the Director, Public Instruction(s), Punjab, from different offices, pointing out the acts of misconduct and indiscipline on the part of respondent No.5, no action has been taken against the said respondent so far.

Shri Amol Rattan Singh, who has accepted notice on behalf of respondents No. 1 to 4, submits that given some time, the Secretary, Department of Education, Govt. of Punjab, Chandigarh, shall take notice of the representation and the communications addressed by the officers mentioned above and examine the matter at his level and take whatever action is called for in the facts and circumstances of the case against the alleged misconduct of respondent No. 5. He submits that the writ petition could be, with suitable directions, disposed of, as there is no room for any further directions in the matter. There is merit in that contention. We do not, for the present, propose to go into the question whether or not there is indeed any misconduct on the part of respondent No.5 nor do we propose to go into the question as to what action can be taken against him. In our opinion, both these issues can be left to be determined by the Secretary, Department of Education, Punjab, or by the authority competent to take action against respondent No.5, in accordance with the Service Rules.

We, accordingly, dispose of this petition with the direction that the Secretary, Department of Education, Punjab, shall look into the representation and the communications referred to in the writ petition and

take appropriate action in case the allegation regarding misconduct by respondent No.5 is proved, in accordance with law. The needful shall be done expeditiously, but not later than six months from the date a copy of this order is received by the Secretary, Department of Education, Government of Punjab. No costs.

(T.S. THAKUR)
CHIEF JUSTICE

(HEMANT GUPTA)
JUDGE

21-01-2009
ds